

BOARD OF SELECTMEN

April 28, 2009
Minutes

The Board of Selectmen met on Tuesday, April 28, 2009 in the Town Hall Clark Room. Those present were Selectmen Douglas A. G. Stevenson, John D. Williams, William R. Tice, Jr., Alan Carpenito, Timothy F. Hult, and Town Administrator Madonna J. McKenzie.

Mr. Stevenson reminded everyone about the upcoming Annual Town Meeting on Monday May 4, 2009 and the Town Election on Tuesday, May 12, 2009.

Mr. Stevenson also mentioned the recent Patriots Day walk from Carlisle to the North Bridge in Concord by the Carlisle Minutemen led by Scott Evans.

Town Administrator Report

Mrs. McKenzie said the Board has received a request from Jill Block representing the Jimmy Fund/Dana Farber Cancer Center, who would like approval to hold the PMC Concord Kids ride in Carlisle on June 14th between 8:30 a.m. and 12 noon. On a motion, made by Mr. Tice and seconded by Mr. Williams, it was unanimously **VOTED** to approve the PMC Concord Kids Ride for the Jimmy Fund Dana Farber Cancer Center on June 14, 2009 between 8:30 a.m. and 12:00 noon on the route through Carlisle approved by Police Chief John Sullivan.

Mrs. McKenzie informed the Board that Andrew Doig from Boy Scout Troop 135 has completed all of his requirements for Eagle Scout rank. A ceremony on June 14, 2009 of Eagle Court Honor will be held for Andrew at 4:00 p.m. On a motion made by Mr. Williams and seconded by Mr. Tice, it was unanimously **VOTED** to issue a Proclamation honoring Andrew Doig on his attainment of the rank of Eagle Scout. Mr. Stevenson said he would attend the Eagle Court Honor Ceremony.

Pathways in Town Center

Mr. Stevenson said at the last meeting, the Board voted to support changing Church Street to a one-way street. He said since that time we have worked at trying to maintain the two-way street and satisfying concerns of the abutters and the Unitarian Church as well as accomplishing the goal of building a pathway. He said he was concerned that right now we have a pathway that ends on Concord Road right next to the more dangerous intersections in Town. Deb Belanger spoke to the Board about her conversation with the First Religious Society. She discussed two changes since that conversation. The first one was widening the road to allow it to remain a two-way road, and secondly, changing the pathway, which meant keeping it entirely within the Town's right of way. Deb said this plan was shown to Stamski and McNary and with the Church's allowances of pavement; they were able to add some pavement to the opposite corner and put the pathway in the Town's right of way. She presented this plan tonight. It was basically widening the road and relocating the pathway into the town's right of way.

Mr. Hult recused himself from this discussion. He spoke from the memo sent from the First Religious Society, pointing out that they are: supportive of continuing the pathway up Church Street to School Street; maintaining the two way orientation of the roadway; but they would not approve of

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any pathway construction on the Town Common, [other than the expansion of the street as outlined above] and they supported the plan presented this evening.

Abutter Jack O'Connor [68 Church Street] spoke about his concerns for his driveway and front lawn. Sylvia Sillers of Concord Street spoke about the new plan that was discussed and she requested a few changes be made. Ms. Sillers offered to pay for the new plans, that is, \$1,000.00 for additional engineering services. Mr. Tice said since the abutters were willing to defray the costs for additional engineering costs, he thought perhaps this could be looked at one more time. Deb said every time she has tried to accommodate the abutters, they have found new things they wanted to change. Geoff Freeman from the Historical Commission was present briefly, and said that the Commission has looked at these plans and would approve them as they stand now.

On a motion made by Mr. Williams and seconded by Mr. Carpenito, it was **VOTED 3 Yes 1 No and 1 abstaining** to support the new plan presented tonight by the Pedestrian and Bike Safety Advisory Committee for the Church Street /Town Common area pathway.

Community Input

Frank Proctor from 532 South Street spoke regarding the Benfield Farm project. Mr. Proctor said he is very worried about his well. He said the septic system that is being considered for the front field is approximately 45' to the well of his neighbor, Mr. Lemmermann and 75' to his.

Mr. Carpenito recused himself as a Selectman and spoke as an abutter of the Benfield project on South Street. He also spoke about his concerns for the wells in the neighborhood.

Mr. Williams said the Town will take into consideration the abutters wells and their health and safety when this project is moving forward.

Debt Retirement

Town Finance Director Larry Barton was present to talk about a Bond that was taken out by the Town in 1999 in the amount of \$3.7million for the 'Link project' at the Carlisle Public School. Mr. Barton said that this Bond can now be *called*. He said MSBA is offering the Town \$1.4million, which would retire this debt. The amount owed on the Bond is \$1, 327, 000.+1% or \$1,340,522.50, leaving a surplus of approximately \$107,995. There was a discussion over where the excess money would ultimately be placed. Mr. Barton said the IRS will decide if it will fall into the General Revenue, or if it will come in as a one time receipt, and fall in as free cash. He said the Town may be asked to lower the excluded debt levy in 2010. Mr. Barton noted that this will come back as a plus to the taxpayer.

Mr. Barton said there is no down-side to doing this action. It will be necessary to let MSBA know the Town's decision on this matter by May 5th. Mr. Barton said there will no debt service on this in the future. Mr. Barton said he does not need to go to Town Meeting for this decision, just the approval of the Board of Selectmen. On a motion made by Mr. Hult and seconded by Mr. Williams it was unanimously **VOTED** to authorize the Finance Director to request the net present value of the grant payments from the Massachusetts School Building Authority in the amount of \$1,448,518.00 and further that those proceeds be used to retire or redeem \$1,327,250. of the June 15, 1999 debt plus \$13, 272.50 being the 1% call fee, with the remainder to be applied as the DOR requests.

Homeowner Electrical Permit Fees

Building Commissioner John Luther spoke to the Board about homeowners who want to obtain their own electrical permits. He explained in detail that many times the homeowner is not qualified as an electrician and at the time of the electrical inspection, many problems are discovered by the inspector. He said at this point the homeowner wants the electrical inspector to teach him how to fix the problem, which is not his job. Mr. Luther was requesting to change the regulation on how to apply for a Homeowners Electrical Permit. He said the homeowner can still apply for and receive a permit for electrical work at there own home with the following: 1) a completed electrical permit application; and, 2) a letter from their homeowners insurance company stating that the company is aware that the homeowner is going to do the electrical work and that they are insured for any issues

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that may arise in conjunction with the electrical work. Mr. Luther said if the electrical work does not conform to code, then the homeowner would need to hire a licensed electrician to apply for and secure a permit with a new fee, make the repairs and get an inspection. Mr. Luther said this will help keep the Town's liability to a minimum with the possibility of a homeowner completing work that the inspectors might not be able to see or add onto after an inspection is complete and cause a problem.

On a motion, made by Mr. Williams and seconded by Mr. Tice, it was unanimously **VOTED** to approve the requirements that a completed electrical permit application be made and a letter from the homeowners insurance company [is submitted] stating that the company is aware that the homeowner is going to do the electrical work and that they are insured for any issues that may arise in conjunction with the electrical work be incorporated into our building code.

Mr. Luther said he has received complaints about the minimum building permit fee, which is \$250.00. Therefore he proposed changing the minimum building permit fee from \$250.00 to \$100.00 and raising the construction fee cost from \$10.00 per thousand to \$11.00 per thousand. On a motion, made by Mr. Tice and seconded by Mr. Williams, it was unanimously **VOTED** to set the minimum building permit fee at \$100.00 and the construction fee be raised from \$10.00 to \$11.00 per thousand.

Wireless Communication By-Law

Brian Larsen was present with the final Request for Proposal document for Wireless Service. He said once this is approved by the Board of Selectmen, it can go out for advertising. There was a discussion about using Consultant David Maxsom to review applications.

On a motion made by Mr. Hult and seconded by Mr. Williams, it was unanimously **VOTED** to authorize the Town Administrator to release the Request For Proposals from Personal PWS Providers and Personal Wireless Service Facility Developers for the Lease of Town Owned Land to Construct and Operate Personal Wireless Service Facilities in Carlisle, Massachusetts, per the document we are reviewing, dated April 28, 2009.

The Board thanked Brian Larsen for his hard work on this project.

Alternative Accessory Clean Energy Generation Committee

Mr. Stevenson spoke about the concern and intensity of the discussions on this bylaw. Mr. Tice acknowledged all who worked on the Committee over the past year. He said the Committee had a meeting on Sunday, April 26th, at which time they tried to address many unresolved issues. He said there were about a dozen issues. After about two hours, the Committee voted to withdraw the bylaw from the Warrant until further work could be completed. He said there was some discussion that perhaps there was a need for someone with expertise in this area to assist the Committee. In reply to Mr. Hult, Mr. Tice said he was not sure if this committee will stay in tack. Mr. Williams said everyone worked very hard on this matter. The charge did have an expiration date. He suggested that the charter for the Committee should be looked at again and perhaps it should be more specific about the direction. Mr. Tice said he did not think it was a charter issue. Mr. Hult suggested perhaps a panel of experts could be consulted. It was agreed that certain areas needed to be developed further.

Bob Koning said that the Committee worked very hard to try to get this issue through Town Meeting this year. He said he learned a lot. He also added that this is a new technology for this country.

On a motion made by Mr. Williams and seconded by Mr. Tice, it was unanimously **VOTED** that upon the recommendation of the Alternative Accessory Clean Energy Generation Committee, the Board of Selectmen will not move Article 33 at the Annual Town Meeting of May 4, 2009.

Town Meeting /Warrant & Motions

Town Moderator Tom Raftery was present for this discussion. In response to Mr. Raftery's question, he was informed that there would be a second room set up for Town Meeting.

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Louis Salemy was present from the Concord Carlisle Regional School Committee to discuss his presentation at Town Meeting. He spoke specifically about Article 12, which was for capital equipment and a Planning Study for the CCRHS. Mr. Salemy read the document he prepared to present at Town Meeting. Mr. Hult said he was comfortable with this document. Mr. Tice said this was a good write-up. On a motion made by Mr. Williams and seconded by Mr. Tice it was unanimously **VOTED** to support Article 12.

Mr. Stevenson spoke about Article 8 and the over-expenditure in the Reserve Fund to cover the expense of snow and ice. He said this is a transfer from the Insurance line item to the Reserve Fund to cover the expense of snow and ice. On a motion made by Mr. Williams and seconded on Mr. Tice, it was unanimously **VOTED** to support Article 8.

The Board discussed the CPA Article, #22 and all of the Motions. Mr. Stevenson said a motion was made at the last meeting to approve this article, but was not voted on at that time. Mr. Hult said on Monday evening the Finance Committee voted not support Motion #5, for the Highland Building. Mark Spears, chair of the Recreation Commission spoke briefly about the Highland Building motion. He said he was very supportive of saving the building and using it for community activities. Mr. Carpenito said there is nothing greener than recycling an old building. The Board was unanimously supportive of Article 22. Article 23, demolishing the Highland Building will be moved, if article 22 fails. Mr. Hult will move Article 23 in that case.

The Articles will be moved by the following:

Article 1- Mr. Tice/Board of Selectmen

Article 2- Consent Agenda – Mr. Stevenson/Board of Selectmen

Article 8 - Mr. Tice/Board of Selectmen

Article 9 - Finance Committee

Article 10 – Don Rober/LTCRC

Article 11 – Lee Storrs/School Building Committee

Article 12 – Louis Salemy/CCRHS School Committee

Article 13 – Mr. Carpenito /Board of Selectmen

Article 14 – Mr. Williams/ Board of Selectmen

Article 15 – Mr. Hult/ Board of Selectmen

Article 16 – Mr. Stevenson / Board of Selectmen

Article 17 - Mr. Stevenson/Board of Selectmen

Article 18 - Mr. Hult /Board of Selectmen

Article 19 – Finance Committee

Article 20 - Mr. Williams/Board of Selectmen

Article 21 - Mr. Carpenito/Board of Selectmen

Article 22 - Kelly Guarino/ Community Preservation Committee

Article 23 - Mr. Hult/Board of Selectmen

Article 24 – Mr. Tice/ Board of Selectmen

Article 25 - Mr. Williams/Board of Selectmen

Article 26 - Mr. Carpenito/ Board of Selectmen

Article 27 - Chad Koski/ Carlisle Public School

Article 28 - Mr. Stevenson/Board of Selectmen

Article 29 - Mr. Williams/Board of Selectmen

Article 30 - Mr. Tice/Board of Selectmen

Article 31 - Conservation Commission

Article 32 - Mr. Williams/Board of Selectmen

Article 33 - Mr. Hult will inform Town Meeting that no action will be taken on this article.

Article 34 - Planning Board

Liaison Reports

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Mr. Williams reported that the Zoning Board of Appeals held-over the Hearing on the adoption of the 40 B Housing Rules and Regulations. There will an input and discussion between the Planning Board and Housing Authority on June 15th with the Zoning Board of Appeals.

Mr. Hult said he and Mr. Carpenito will be meeting with the Police and Fire Chiefs on Thursday, April 30th relative to Communications negotiations. He also added that the Energy Task Force will meet within the next two weeks.

Mr. Carpenito spoke about the Honor Roll Memorial Committee. He said they have selected a Granite fabricator. Mr. Carpenito said some drawings have been completed. The Historical Commission has approved the sample of the quarry. Mr. Stevenson said the current plan is to hold the dedication ceremony of the Honor Roll Memorial on Old Home Day, Sunday, June 28th.

There was a brief discussion about an e-mail sent by House Representative Cory Atkins relative to the proposed increase on sales tax.

Minutes

On a motion, made by Mr. Tice and seconded by Mr. Hult, it was unanimously **VOTED** to approve the Minutes to the Board of Selectmen meeting of April 14, 2009 as presented.

The meeting adjourned at 9:40 p.m.

Respectfully submitted by Margaret M. deMare